

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re:	)	CASE NO: 04-56481
	)	Chapter 13
Blythe Jean Judy	)	
	)	
Debtor(s).	)	Judge Marilyn Shea-Stonum
	)	
		<u>MOTION TO MODIFY PLAN</u>
		<u>SUBSEQUENT TO ITS CON-</u>
		<u>FIRMATION</u>

Now comes the above-captioned debtor, by and through the undersigned counsel, who prays for the entry of an order modifying her chapter 13 plan subsequent to its confirmation so that the debtor's payments into the plan, \$7,251.75, be deemed to satisfy and complete the debtor's obligations under the plan. The debtor states that as shown on the attached Exhibit "A," she has no ability continue to remit payments to the chapter 13 trustee. The debtor further states that each general unsecured creditor who filed herein a timely proof of claim already has been paid at least as much as each such creditor would have received under the plan and that this case has pending for over five (5) years.

WHEREFORE, the debtor prays for the entry of an order finding that the debtor's payments previously made to the chapter 13 trustee be deemed sufficient to satisfy and complete the debtor's chapter 13 plan.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851  
159 S. Main St., Suite 1023  
Akron, OH 44308  
330 384 8484  
fax 330 384 8953  
elkwhitt@neo.rr.com

NOTICE OF HEARING

A hearing on the foregoing motion shall be held on August 19, 2010 at 2 p.m. before the Honorable Marilyn Shea-Stonum, U.S. Bankruptcy Judge, in room 260, Federal Building, 2 S. Main St., Akron, OH 44308.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the debtor's motion and notice of the hearing thereon was sent by ordinary U.S. Mail, postage prepaid, this 30th day of July, 2010 to those parties whose names and complete addresses appear on the attached mailing matrix and by electronic ECF notice to the U.S. Trustee.

/s/ Robert M. Whittington, Jr.

1. The debtor ~~husband~~ presently is (check one box and complete the blanks):

☐ Employed by \_\_\_\_\_ and earning net take-home wages of \$ \_\_\_\_\_ every \_\_\_\_\_.

☒ Unemployed and receiving net unemployment compensation of \$ 101 every week.

☐ Disabled and receiving income of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Unemployed or disabled and receiving no income or other compensation

☒ Other  
(explain) also receives \$600/mo in social security

2. The debtor wife presently is (check one box and complete the blanks):

☐ Employed by \_\_\_\_\_ and earning net take-home wages of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Unemployed and receiving net unemployment compensation of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Disabled and receiving income of \$ \_\_\_\_\_ every \_\_\_\_\_.

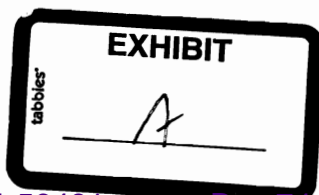
☐ Unemployed or disabled and receiving no income or compensation.

☐ Other  
(explain) \_\_\_\_\_

3. Additionally, the debtors have net monthly income of \$ \_\_\_\_\_ from these sources: (complete only if you have income other than that already listed)

4. Based on the foregoing, the debtors' attorney calculates that the debtors' net monthly income is (this blank is to be completed by the attorney, only) \$ 1037.33.

5. The debtors' monthly living expenses are as follows:



<u>550</u>	Rent or mortgage
<u>88</u>	Electricity
<u>113</u>	Heat fuel
<u>0</u>	Water and sewer
<u>0</u>	Trash removal
<u>65</u>	Cable or satellite television
<u>65</u>	Telephone and internet
<u>300</u>	Food
<u>30</u>	Clothing
<u>50</u>	Laundry and cleaning
<u>20</u>	On-going medical and dental expenses
<u>50</u>	Gasoline and transportation
<u>10</u>	Recreation, clubs, newspapers, magazines, entertainment
<u>10</u>	Charitable contributions
	Homeowners or renters insurance
	Life insurance
	Health insurance
<u>95</u>	Automobile insurance
	Other (specify) _____
	Other (specify) _____
	Other (specify) _____

1446 Total monthly expenses

6. (408.67) Excess or deficit of total monthly income over total monthly expenses.

The undersigned state that the foregoing is true, complete and correct to the best of their knowledge information and belief.

Date: 7/30/10

/s/

*X. Blythe J. Juley*

Date:

/s/

Label Matrix for local noticing  
0647-5  
Case 04-56481-mss  
Northern District of Ohio  
Akron  
Fri Jul 30 14:58:27 EDT 2010

US Bankruptcy Court  
455 Federal Bldg  
2 South Main Street  
Akron, OH 44308-1813

Akron General Medical Center  
400 Wabash Ave.  
Akron, OH 44307-2463

Ameritrust Mtg. Co. servicer for Argent Mtg.  
P.O. Box 769  
Orange, CA 92856-6769  
Attn: Debbie Pacheco

Bank One Loan  
Servicing  
P.O. Box 901008  
Fort Worth, TX 76101-2008

David Head, Esq.  
323 W. Lakeside Ave., #200  
Cleveland, OH 44113-1009

HEARTWOOD 88 LLC  
ATTN JOANNE CHIN  
PO BOX 5707  
FT LAUDERDALE, FL 33310-5707

John Donofrio, Summit Co.  
Fiscal Officer  
175 S. Main St.  
Akron, OH 44308-1355

Ohio Edison  
1910 W. Market St.  
Akron, OH 44313-6935

SBC MIDWEST BANKRUPTCY DEPT  
P O BOX 769  
ARLINGTON, TX 76004-0769

Ameritrust Mortgage Company  
C/O Buchalter, Nemer, Fields & Younger  
18400 Von Karman  
Suite 800  
Irvine, CA 92612-0514

AKRON GENERAL MEDICAL CENTER  
C/O JOSEPH R HARRISON CO LPA  
310 N CLEVELAND MASSILLON RD  
AKRON, OH 44333-9302

American, Inc.  
50 E. Highland Rd.  
Northfield, OH 44067-2701

Ameritech Consumer Bankruptcy Dept.  
nka SBC  
P.O. Box 769  
Arlington, TX 76004-0769

Blockbuster c/o  
P.O. Box 487  
Middletown, OH 45042-0487

Dominion East Ohio  
P.O. Box 26785  
Richmond, VA 23261-6785

JP Morgan Chase/Bank One NA  
OH1-1188  
PO Box 182223  
Columbus, OH 43218-2223

Milleneum Auto Sales  
908 E. Exchange St.  
Akron, OH 44306-1151

Palisades Collection  
210 Sylvan Ave.  
Englewood Cliffs, NJ 07632-2524

Second National Bank of Warren  
108 Main Ave. S.W.  
Warren, OH 44481-1058

Argent Mortgage Company, LLC  
24755 Chagrin Blvd.  
suite 200  
Cleveland, OH 44122-5690

AMERICAN INC  
C/O PATRICK KELLEY  
PO BOX 235  
MACEDONIA, OH 44056

Ameritrust Mortgage  
1100 Town and Country Road  
Orange, CA 92868-4600

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c/o Buchalter, Nemer, Fields & Younger  
18400 Von Karman Avenue  
Suite 800  
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Charles Bakula, Esq.  
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Cleveland, OH 44131-1842

First Energy Solutions  
395 Ghent Rd.  
Akron, OH 44333-2678

Jessica A. Pinter, Esq.  
250 Spectrum Office Bldg.  
Independence, OH 44131-2335

OHIO EDISON CO  
BANKRUPTCY DEPT  
6896 MILLER RD RM 204  
BRECKSVILLE, OH 44141-3222

Robert Laybourne, Esq.  
159 S. Main St., #900  
Akron, OH 44308-1323

Summa Health System  
525 E. Market St.  
Akron, OH 44304-1698

Summit Co. Prosecutor, Tax Division  
906 Key Bldg.  
Akron, OH 44308

U.S. Bancorp  
U.S. Bancorp Center  
800 Nicollet Mall  
Minneapolis, MN 55402-7000

U.S. Bank  
156 S. Main St.  
Akron, OH 44308-1309

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

World Financial Network  
3195 Barber Road  
Norton, OH 44203-1011

Blythe Jean Judy  
2010 W Market St #2  
Akron, OH 44313-6922

Keith Rucinski  
Chapter 13 Trustee  
One Cascade Plaza  
Suite 2020  
Akron, OH 44308-1160

Robert M Whittington Jr  
159 S Main St  
Key Bldg  
#1023  
Akron, OH 44308-1318

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

US Bank  
PO Box 5229  
Cincinnati, OH 45201

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Argent Mortgage Company, LLC

End of Label Matrix	
Mailable recipients	37
Bypassed recipients	1
Total	38